

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-006758-001 DT

08/27/2013

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

B. LaCorte

Deputy

STATE OF ARIZONA

LISA JANE AUSTEIN

v.

WILLIAM JOHN ABBOTT (001)

DOB: 6/30/1956

RONALD M DEBRIGIDA JR.

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

AZ DOC - INMATE TRUST ACCOUNTS

DISPOSITION CLERK-CSC

RFR

SENTENCE - IMPRISONMENT AND PROBATION

9:49 a.m.

Courtroom SCT 8A

State's Attorney: Kristy Perkins for Lisa Austein

Defendant's Attorney: Ronald Debrigida

Defendant: Present

Court Reporter, Tara Kramer, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Sentencing Mitigation.

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Count(s) 3, 4, 5, and 6: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 3 (as amended) FRAUDULENT SCHEMES AND ARTIFICES
Class 2 Felony

A.R.S. § 13-2310, 13-701, 13-702, 13-702.01, 13-610, and 13-801

Date of Offense: March 16, 2007

Non Dangerous - Non Repetitive

OFFENSE: Count 4 (as amended) FRAUDULENT SCHEMES AND ARTIFICES
Class 2 Felony

A.R.S. § 13-2310, 13-701, 13-702, 13-610, and 13-801

Date of Offense: September 18, 2009

Non Dangerous - Non Repetitive

OFFENSE: Count 5 (as amended) FRAUDULENT SCHEMES AND ARTIFICES
Class 2 Felony

A.R.S. § 13-2310, 13-701, 13-702, 13-702.01, 13-610, and 13-801

Date of Offense: September 23, 2009

Non Dangerous - Non Repetitive

OFFENSE: Count 6 (as amended) FRAUDULENT SCHEMES AND ARTIFICES
Class 2 Felony

A.R.S. § 13-2310, 13-701, 13-702, 13-702.01, 13-610, and 13-801

Date of Offense: July 1, 2007

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 3: 8 year(s) from August 27, 2013

Presentence Incarceration Credit: 425 day(s)

More Than Presumptive

Sentence is concurrent with Counts 4 and 5.

Count 4: 8 year(s) from August 27, 2013

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Presentence Incarceration Credit: 425 day(s)

More Than Presumptive
Sentence is concurrent with Counts 3 and 5.

Count 5: 8 year(s) from August 27, 2013
Presentence Incarceration Credit: 425 day(s)

More Than Presumptive
Sentence is concurrent with Counts 3 and 4.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 3 - \$283,800.61 to the following victim(s) in the following amounts:

Roger and Shirley Abbott	(Individual)	\$132,486.95
Jeremy Clevenger	(Individual)	\$25,700.00
Kerrylee Loughran	(Individual)	\$1,600.00
Daniel Dydyk-Costello	(Individual)	\$78,000.00
Verlin Mathis	(Individual)	\$5,000.00
Angel Martinez	(Individual)	\$18,400.00
Paul Christenson	(Individual)	\$20,000.00
Maricopa County Sheriff's Office	(Business)	\$2,613.66

Restitution ledger provided; priority of payment is to all individual victims before the Maricopa County Sheriff's Office.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

Community Supervision: Count 3, 4, and 5 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 6.

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In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon release from prison pursuant to A.R.S. §13-603(K). Count 6: For a period of 7 years.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 6 - \$65.00 per month.

PROBATION SURCHARGE: Count 6 - \$10.00.

Count 6: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

RESTITUTION: Count 6 - Any balance remaining after release from the Department of Corrections of \$283,800.61 payable in an amount to be determined per month to the following persons:

Roger and Shirley Abbott	(Individual)	\$132,486.95
Jerem Clevenger	(Individual)	\$25,700.00
Kerrylee Loughran	(Individual)	\$1,600.00
Daniel Dydyk-Costello	(Individual)	\$78,000.00
Verlin Mathis	(Individual)	\$5,000.00
Angel Martinez	(Individual)	\$18,400.00
Paul Christenson	(Individual)	\$20,000.00

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Maricopa County Sheriff's Office (Business) \$2,613.66

Restitution ledger provided; priority of payment is to all individual victims before the Maricopa County Sheriff's Office.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

White Collar

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

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2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 1, 2, 7, 8, and 9; Allegation of Defendant's prior felony conviction.

Count(s) 3, 4, and 5: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 6: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

10:13 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MARGARET R. MAHONEY
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)